

Meeting of the Executive Member for Neighbourhood Services and Advisory Panel

7 December 2006

Report of the Director of Neighbourhood Services

Noise Patrol Update

Summary

1. Members are asked to note the actions taken by the Noise Patrol to date, and to be aware of the service pressure generated by the additional workload, over and above that which was anticipated.

Background

2. On 8 March 2006 the Executive Member approved a new approach to tackling noise nuisance, which included the setting up of a new weekend night time noise enforcement service (the "Noise Patrol").
3. On 27 June 2006 the executive approved the financial arrangements for the new service to be funded via the second Local Performance Service Agreement (LPSA2), in order to enable the council to extend (or stretch) its performance in the area of tackling anti social behaviour.
4. An additional temporary senior environmental protection officer was approved (also funded as part of LPSA2) to co-ordinate the Noise Patrol and the environmental protection unit's (EPU) other actions to tackle anti social behaviour.
5. The then Office of the Deputy Prime Minister (ODPM) confirmed the targets and the means by which the council's performance would be measured:
 - The percentage of residents reporting that 'noisy neighbours or loud parties represent a problem in the local area' to reduce by 4%, from 13% to 9%. This is to be measured by the annual ResOp Survey.
 - The percentage of people feeling that York is a safe city in which to live to increase, by 21%, from 47% to 68%. This is to be measured by the annual TalkAbout Survey.

Both targets are to be achieved by the 31 March 2008.

The Noise Patrol

6. The Noise Patrol service began operating on the weekend commencing Friday 7 April 2006. The service operates from 9pm to 3am on Friday and Saturdays, but if a call is received before 3am, the officers will take that job through to completion, regardless of the end time. Officers often work until 4am.
7. Over 500 telephone calls were received during the first six months of the Noise Patrol service. By comparison, in 2004/05, the last year of the earlier weekend emergency out of hours service, 334 calls were received over 12 months. Over 300 visits have been made in the first six months of the service. Visits vary tremendously from a patrol of a premise or area, to a visit to a customer to collect evidence, to a visit to the person causing the noise and can take from several minutes to several hours.
8. The EPU team is too small in itself to provide the Noise Patrol service alone. Two officers 'staff' the Noise Patrol, at least one of who is an environmental protection officer (EPO) experienced in dealing with and assessing noise nuisances. The second officer may be another EPO or an experienced enforcement officer from elsewhere in environmental health, trading standards, licensing or housing. This broadens the experience of the officers and can assist in giving advice on issues other than noise, if required.
9. The officers arrive at De Grey House, where the service is based, for 9pm and download any messages that have been received before that time. The issues are prioritised and any urgent complaints dealt with first. Some calls may just require advice.
10. During the hot summer months (July and August) there was a significant increase in the number of calls received by the Noise Patrol (40 calls were received on the busiest weekend, compared with 20 on a more typical weekend). The number of calls became too many for the Noise Patrol officers to deal with and some customers' calls went unanswered.
11. From July to September it was necessary to supplement the service by the addition of a support officer to cope with the volume of calls on Saturday nights. The support officer was an experienced environmental protection officer who was able to assist the Noise Patrol officers by taking the calls and giving advice to the customer. In some cases this was sufficient to deal with the caller. The support officer was able to check the computer database for the history of any complaints and do a safety check, before passing the call to the Noise Patrol officers. This support enabled the Noise Patrol to deal with a higher proportion of calls effectively, and provide a speedier response as officers were able to remain in the field.
12. Noise Patrol respond as soon as possible to noise complaints that are occurring at the time of the telephone call. The Noise Patrol has a dedicated vehicle, equipped with removable Noise Patrol signs. Officers will also patrol areas where there are known noise or anti social behaviour issues, in order to collect evidence.

13. Noise Patrol officers also collect evidence of breaches of licensing conditions when they visit or patrol near licensed premises. If the breach of any condition is related to a potential noise nuisance, the Noise Patrol officers will speak to the licensee and warn them of enforcement action by EPU or the licensing team. All breaches are reported to the licensing team, the police, the fire service and trading standards for information and for any further action.
14. The assessment for the night time noise offence (NTNO) has not proved to be effective as it is over complicated, takes too long and can only be used between the hours of 11pm and 7am. Officers have to monitor the noise emanating from the neighbour's property, in the caller's property, to determine if the permitted level is being exceeded. The permitted level is defined as 10 decibels (dB(A)) above the underlying (background) level, where the underlying level exceeds 25 dB(A) averaged over a five minute period.
15. If the noise exceeds the permitted level, officers visit the premises from where the noise emanates. Officers attempt to speak to the person responsible for the noise and give them a warning notice. The warning notice states that the permitted noise level has been exceeded and gives them 10 minutes to reduce the noise to the permitted level.
16. The officers must wait 10 minutes for the warning notice to come into effect before monitoring the noise as before. If the permitted level is still being breached, the person responsible for the noise is guilty of a NTNO and officers can serve a fixed penalty notice (FPN) of £110, if they have the name and address of the person responsible
17. The volume of calls to the Noise Patrol has exceeded expectations. This has meant that officers are required to visit, resolve the noise issue as quickly as possible, and then go to the next incident. The procedure for assessing for a NTNO has proved to be over complicated and takes too long. In some cases NTNO were not established in situations where officers concluded that the noise was a statutory nuisance. For these reasons, the NTNO is little used.
18. Once at the complainant's address, Noise Patrol officers will assess the noise for statutory nuisance. If the noise is not a nuisance, officers will explain the reasons why to the customer. If the officers suspect that an event may become a nuisance at a later time they may visit the person(s) causing the noise to give them advice or persuade them to reduce the noise.
19. In most cases, noise complaints are dealt with informally, especially if it is a "first offence" and the person causing the noise co-operates. However, if officers substantiate a noise nuisance they will usually serve a noise abatement notice on the person(s) responsible at the time of the incident. To date, 22 noise abatement notices have been served as a result of evidence collected on the Noise Patrol.
20. In situations where officers feel unsafe, they will request police back up. The Noise Patrol service operates at the one of the busiest times in terms of police

incident, so police officers have not always been available. This has sometimes made it difficult to abate the noise nuisance. If the police are unavailable, officers will arrange for the noise abatement notice to be served on the next working day.

21. Police support has been essential in some incidents. In one case, the Noise Patrol wanted to serve a notice on a noisy party. Once there the police noticed evidence of drug taking and all guests were then searched. At another noisy party, several people were arrested after violence broke out.
22. In four cases, the Noise Patrol has witnessed breaches of noise abatement notices, i.e. the noise nuisance has continued despite the service of the notice. Once a notice is breached it becomes an offence and warrants are obtained from a magistrate to enable EPU officers to seize those noise-generating items that led to the breach of the notice.
23. A seizure requires a minimum of three environmental protection officers, together with an appropriate level of police back up and usually, a locksmith. Because of the numbers of officers required and for safety reasons, seizures have not been undertaken to date if the breach occurs at night, but occur on the next practical working day. Items seized so far include mainly DJ decks and stereos.
24. In cases where the noise abatement notice is breached, EPU will usually also prosecute the person responsible for the breach, in a magistrates' court, with a maximum fine of £5000.
25. To date, EPU has taken one prosecution based upon evidence collected on the Noise Patrol and a further three are pending. The successful prosecution led to the perpetrator being given a two year conditional discharge and EPU's first criminal anti social behaviour order (CRASBO). (Evidence collected by the Noise Patrol also led to this person receiving a harassment order, which when breached led to his imprisonment. He has since breached the noise abatement notice and the conditions of his CRASBO and has been re-arrested).

Consultation

26. EPU conducts an annual customer satisfaction survey. In the 2006 survey 100% of customers said they were satisfied with the Noise Patrol (46% were very satisfied and 54% were fairly satisfied). 38% of those surveyed wanted the hours and days of the Noise Patrol service extended. 15% wanted a 24/7 service.
27. The police are pleased that they and EPU are working together to deal with anti social behaviour. They described the Noise Patrol as a very useful service and the staff as very helpful. They have passed the telephone number to local residents suffering from noise nuisance.
28. The tenancy enforcement team (TET) welcome the corroborative evidence collected and provided in court in support of their actions. They asked for a

periodic report of action taken by the Noise Patrol. This is now provided on at least a monthly basis.

29. Estate managers and council tenants described the service as excellent and very popular. They would like the service extended to weekdays. They also want it publicised more.

Options

30. Not applicable.

Analysis

31. Not applicable

Corporate Priorities

32. The Noise Patrol service and the work of EPU contribute directly to the Council's corporate priority to "Reduce the actual and perceived impact of violent, aggressive and nuisance behaviour on people in York."

Implications

- **Financial**

33. No budget was identified for the support officer detailed in paragraph 11. The post was funded through vacancy management within the team. If it is necessary to provide this officer on a regular in response to customer demand for the service then this will have recurring budgetary implications. No officers were consulted on the financial aspects of this report.

- **Human Resources (HR)**

34. There are no HR implications associated with this report.

- **Equalities**

35. There are no equal opportunities issues associated with this report.

- **Legal**

36. There are no additional legal issues over and above those identified within the report. No officers were consulted on the legal aspects of this report.

- **Crime and Disorder**

37. The service contributes directly to reducing crime and disorder.

- **Information Technology (IT)**

38. There are no IT issues associated with this report.

- **Property**

39. There are no property issues associated with this report.

- **Other**

40. There are no other issues associated with this report.

Risk Management

41. There are no additional risks.

Recommendations

42. That the Advisory Panel advise the Executive Member to note the report, and the additional service pressure generated by the additional demand over and above that which was anticipated.

Reason: To update the Executive Member on the work of the Noise Patrol.

Contact Details

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Wards Affected:

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Andy Hudson
Assistant Director (Neighbourhoods)

Report Approved

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Date 7th November 2006

All

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Specialist Implications Officer(s)	<i>List information for all</i>
<i>Implication ie Financial</i>	<i>Implication ie Legal</i>
<i>Name</i>	<i>Name</i>
<i>Title</i>	<i>Title</i>
<i>Tel No.</i>	<i>Tel No.</i>

For further information please contact the author of the report

Background Papers:

Tackling Noise Nuisance, report to the Environment & Sustainability EMAP, 8 March 2006

York's Local Public Service Agreements, report to the Executive, 27 June 2006